

REMARKS/ARGUMENTS

1.) Claim Amendments

Applicant has amended Claims 1, 4, and 6. Claims 2, 3, and 16 have been cancelled. Applicant respectfully submits no new matter has been added. Accordingly, claims 1, 4-15, and 17-21 are pending. Favorable reconsideration of the application is respectfully requested in view of the foregoing amendments and the following remarks.

2.) Claim Rejections – 35 U.S.C. § 103 (a)

Claims 1-2, 4-15 and 17-20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Kundrof, *et al.* (U.S. Patent No. 6,553,217) ("Kundrof"), in view of Rodrigo, *et al.* (U.S. Patent Publication No. 2003/0074286) ("Rodrigo"). While not conceding that the cited references qualify as prior art, but instead to expedite prosecution, Applicant has chosen to respectfully disagree and traverses the rejection as follows. Applicant reserves the right, for example, in a continuing application, to establish that the cited references, or other references cited now or hereafter, do not qualify as prior art as to an invention embodiment previously, currently, or subsequently claimed.

Examiner indicates on page 19 of the Final Office Action that "[c]laim 3 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims." In light of Examiner's suggestion, Applicant has amended independent claim 1 to recite the elements of claim 3 and intervening claim 2. Thus, Applicant respectfully submits that amended independent claim 1 is in condition for allowance. Dependent claims 4-15 and 17-20 are also in a condition for allowance at least due to their dependency on amended independent claim 1. Applicant therefore respectfully requests that the rejection be withdrawn and a notice of allowance be issued for independent claim 1 and all claims dependent therefrom.

Claim 8 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Kundrof, in view of Rodrigo, and further in view of Ear (U.S. Patent Publication No. 2005/0009500) ("Ear"). While not conceding that the cited references qualify as prior

art, but instead to expedite prosecution, Applicant has chosen to respectfully disagree and traverses the rejection as follows. Applicant reserves the right, for example, in a continuing application, to establish that the cited references, or other references cited now or hereafter, do not qualify as prior art as to an invention embodiment previously, currently, or subsequently claimed. Ear is not cited as disclosing, teaching, or even suggesting any of the elements of amended independent claim 1. Thus, claim 8 is patentable over Kundrof, Rodrigo, and Ear, taken alone or in any permissible combination, at least due to its dependency on amended independent claim 1. Applicant therefore respectfully requests that the rejection be withdrawn.

Claim 21 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Kundrof, in view of Rodrigo, and further in view of Chan (U.S. Patent Publication No. 2006/0003736) ("Chan"). While not conceding that the cited references qualify as prior art, but instead to expedite prosecution, Applicant has chosen to respectfully disagree and traverses the rejection as follows. Applicant reserves the right, for example, in a continuing application, to establish that the cited references, or other references cited now or hereafter, do not qualify as prior art as to an invention embodiment previously, currently, or subsequently claimed. Chan is not cited as disclosing, teaching, or suggesting any of the elements of amended independent claim 1. Thus, claim 21 is patentable over Kundrof, Rodrigo, and Chan, taken alone or in any permissible combination. Applicant therefore respectfully requests that the rejection be withdrawn.

3.) Allowable Subject Matter

Applicant notes with appreciation the conditional allowance of claim 3. As mentioned above, Applicant has amended independent claim 1 to incorporate the elements of claim 3 and intervening claim 2. Therefore no amendments have been made to narrow the scope of the pending claims or to create any sort of estoppel. In light of these amendments, amended independent claim 1 and all claims dependent therefrom are in condition for allowance.

CONCLUSION

In view of the foregoing remarks, the Applicant believes all of the claims currently pending in the Application to be in a condition for allowance. The Applicant, therefore, respectfully requests that the Examiner withdraw all rejections and issue a Notice of Allowance for all pending claims.

The Applicant requests a telephonic interview if the Examiner has any questions or requires any additional information that would further or expedite the prosecution of the Application.

Respectfully submitted,

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